

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 29, 2008 (Paper No. 20080415). Upon entry of this response, claims 1 and 3-17 are pending in the application. Applicant respectfully requests entry of the amendments herein and reconsideration of all pending claims.

#### **1. Improper Finality of Office Action**

Applicant requests that the finality of the Office Action be withdrawn. MPEP § 707.07(d) states that “[w]here a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated...” However, the ground of rejection was not fully and clearly stated as required by the MPEP.

The single rejection in the Office Action (p. 2) indicates that the two references used in the § 103 rejection are *Youngblood, Jr.* (U.S. Patent Pub. 2003/0149647) and *Martin* (U.S. 6,330,547). After admitting that *Youngblood* does not teach claimed features, the second part of the rejection (final paragraph on p. 2) omits a reference name (“However discloses exchange system to review...”). The rejection also refers to paragraph numbers, but the second reference in the combination (*Martin*) contains columns, not paragraph numbers. Therefore, Applicant is unable to determine which teachings the rejection relies on. Finally, the last sentence of the rejection (p. 3) refers to what appears to be a third reference (*Hefner*) which was not made part of the rejection: “Therefore it would have been obvious....to modify the teachings of Youngblood JR. to include [various features] taught by **Hefner** in order to finance debt” (emphasis added.)

Applicant respectfully submits that this incomplete rejection denied the Applicant a full opportunity to address and refute rejection of Applicant’s claims. In other words, without a clear identification (by column and line number) of how the *Martin* reference allegedly teaches the claimed features, it is not possible to fully respond to an Office Action rejection, given that the true basis for the rejection is not ascertainable. Alternatively, if the Office Action intended to rely

on a reference other than *Martin* in the rejection, then that reference – and the specific teachings in it – should be clearly indicated.

2. Rejection of Claims 1 and 3-17 under 35 U.S.C. § 103

Claims 1 and 3-17 are rejected under §103(a) as allegedly obvious over *Youngblood, Jr.* (U.S. Patent Pub. 2003/0149647) in view of *Martin* (U.S. 6,330,547). Applicant respectfully traverses this rejection. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest (either implicitly or explicitly) all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Independent Claim 1

Applicant respectfully submits that claim 1 is allowable for at least the reason that the proposed combination of *Youngblood, Jr.* in view of *Martin* does not disclose, teach, or suggest at least the feature of “entering accounting data regarding accounts payable to the creditor and payments to the creditor into the system”. The Office Action (p. 2) contends that this feature is taught by *Youngblood, Jr.* at paras. 0021-0022 and claim 21. The entire text of paras. 0021-0022 is reproduced below:

[0021] Client computer 14, such as personal computers (PCs), workstations, laptop computers, personal digital assistants (PDAs), wireless phones and/or the like, may be used by users, such as lawyers, paralegals, representatives of mortgagors and lenders, providers of services related to management of debt default information, and/or the like, to access debt default management system 34.

[0022] Email gateway 20 may be used to process emails to and from client computers 14. Computer 26 may be used to access debt default management system 34 of host server 18. Computer 26 may also be used to control scanner 24, printer 28 and barcode reader 30. Voicemail system 32 may be used to store voicemails.  
(*Youngblood, Jr.*, paras. 0021-0022)

Applicant respectfully submits that a general statement that debt default management system 34 can be accessed through a client computer 14 is not the same as the specific feature recited in claim 1 (“entering accounting data regarding accounts payable to the creditor and payments to the creditor into the system”).

Claim 21 in *Youngblood, Jr.* discloses “querying a multiple lenders database for lender records with loan numbers matching said defaulted loans; retrieving lender specific information on a plurality of lenders from said matching lender records; and updating said plurality of records of said debt default database with respective ones of said retrieved lender specific information”. Applicant respectfully submits that “lender records with loan numbers” and “lender specific information” is not the same as the specific feature recited in claim 1 (“entering accounting data regarding accounts payable to the creditor and payments to the creditor into the system”).

The Office Action (p. 2) further alleges that a second reference discloses “the credit rating agency can review the payment history of the loans used to back a particular mortgage-backed security”, but Applicant can find no mention whatsoever of “mortgage backed security” in *Martin*. Nor can Applicant find any reference to “payment history” in *Martin*. In any case, Applicant notes that these terms are not recited in claim 1. Claim 1 does recite “accounts payable to the creditor”, but Applicant can find no mention of this term in *Martin*.

Accordingly, the proposed combination of *Youngblood, Jr.* in view of *Martin* does not teach at least the above-described features recited in claim 1. Therefore, a *prima facie* case establishing an obviousness rejection has not been made, and the rejection should be withdrawn.

**b. Independent Claim 13**

Applicant respectfully submits that claims 1 and 3-17 are allowable for at least the reason that the proposed combination of *Youngblood, Jr.* in view of *Martin* does not disclose,

teach, or suggest at least the feature of “inspecting via a data processing system at least a part of accounting data regarding the payable accounts, the accounting data comprising data relating to all accounts payable to the banking customer and having been entered by the banking customer into the system”. The Office Action (p. 4) contends that this feature is taught by *Youngblood, Jr.* at paras. 0021-0022 and claim 21. The entire text of paras. 0021-0022 is reproduced below:

[0021] Client computer 14, such as personal computers (PCs), workstations, laptop computers, personal digital assistants (PDAs), wireless phones and/or the like, may be used by users, such as lawyers, paralegals, representatives of mortgagors and lenders, providers of services related to management of debt default information, and/or the like, to access debt default management system 34.

[0022] Email gateway 20 may be used to process emails to and from client computers 14. Computer 26 may be used to access debt default management system 34 of host server 18. Computer 26 may also be used to control scanner 24, printer 28 and barcode reader 30. Voicemail system 32 may be used to store voicemails.

(*Youngblood, Jr.*, paras. 0021-0022)

Applicant respectfully submits that a general statement that debt default management system 34 can be accessed through a client computer 14 is not the same as the specific feature recited in claim 13. For example, client access to a debt default management system is not the same as “inspecting...payable accounts”, much less “data relating to all accounts payable to the banking customer”.

Claim 21 in *Youngblood, Jr.* discloses “querying a multiple lenders database for lender records with loan numbers matching said defaulted loans; retrieving lender specific information on a plurality of lenders from said matching lender records; and updating said plurality of records of said debt default database with respective ones of said retrieved lender specific information”. Applicant respectfully submits that “lender records with loan numbers” and “lender specific information” is not the same as “payable accounts”, much less “data relating to all accounts payable to the banking customer” as recited in claim 13.

The Office Action (p. 2) further alleges that a second reference discloses “the credit rating agency can review the payment history of the loans used to back a particular mortgage-backed security”, but Applicant can find no mention whatsoever of “mortgage backed security” in *Martin*. Nor can Applicant find any reference to “payment history” in *Martin*. In any case, Applicant notes that these terms are not recited in claim 13. Claim 13 does recite “accounts payable”, but Applicant can find no mention of this term in *Martin*.

Accordingly, the proposed combination of *Youngblood, Jr.* in view of *Martin* does not teach at least the above-described features recited in claim 13. Therefore, a *prima facie* case establishing an obviousness rejection has not been made, and the rejection should be withdrawn.

c. Independent Claim 15

Applicant respectfully submits that claim 15 is allowable for at least the reason that the proposed combination of *Youngblood, Jr.* in view of *Martin* does not disclose, teach, or suggest at least the feature of “entering a criterion which, upon fulfillment thereof, initiates an action; - repetitively checking a debt for fulfillment of the criterion; and - initiating the action upon fulfillment of the criterion”. The Office Action (p. 5) contends that this feature is taught by *Martin* at paras.0151, 0230, 0266, and 0323. Since *Martin* does not include paragraph numbers, Applicant is unable to respond specifically to this improper rejection. However, in an attempt to further prosecution, Applicant will respond to the characterization of the reference made in the Office Action, which states that:

However discloses exchange system to review the payment history and risk-return information in order to rate a particular security. For example, the credit rating agency can review the payment history of the loans used to back a particular mortgage-backed security, to determine whether the loans are likely to be prepaid or go into default.  
(Office Action, p. 5, fourth paragraph)

Applicant assumes (for the sake of argument) that this characterization is accurate, and further assumes that the Office Action alleges that payment history corresponds to the claimed

“criterion”. Even if payment history is considered to be a criterion, using this criterion to determine the likelihood of prepayment or default is not the same as initiating an action upon fulfilling the criterion.

Accordingly, the proposed combination of *Youngblood, Jr.* in view of *Martin* does not teach at least the above-described features recited in claim 15. Therefore, a *prima facie* case establishing an obviousness rejection has not been made, and the rejection should be withdrawn.

d. Dependent Claims 3-12, 14, and 16-17

Since independent claims 1, 13, and 15 are allowable, Applicant respectfully submits that claims 3-12, 14, and 16-17 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 3-12, 14, and 16-17 be withdrawn.

**CONCLUSION**

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1 and 3-17 be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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